REMARKS

This is a full and timely response to the outstanding final Office Action mailed July 11, 2007 (Paper No. 20070701). Upon entry of this response, claims 1-2, 5-7, 10-15, 17-19, 22-26, and 28-39 are pending in the application. In this response, claims 1, 7, 13, 19, 25, and 30 have been amended, claims 31-39 have been added, and claims 8-9 and 20-21 have been cancelled. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Examiner Interview Summary

An interview was conducted on August 30, 2007. Participants were Karen G. Hazzah and Examiner Thai V. Pham. During the interview, the participants discussed differences between *Doyle* and the features recited in claims 8 and 12. The participants also discussed a possible amendment to claim 1, adding the feature "wherein the task list includes a task which builds the distributing computing software application". The Examiner indicated that these arguments and amendments would be carefully considered if presented in a response. Applicant wishes to thank the Examiner for his time.

2. Claim Objections

Claim 7 is objected to because of minor informalities. Specifically, the Office Action (p. 2) indicates that "the acronym 'XML' should be spelled out at the first appearance in [the] claims." In an effort to address the Examiner's concerns and expedite prosecution, claim 7 has been amended as suggested, and although not objected to, claims 19 and 30 have been similarly amended for consistency. Applicant respectfully submits that the objection to claim 7 has been overcome, and request that the objection be withdrawn.

3. <u>Rejection of Claims 1-2, 5-15, 17-26, and 28-30 under 35 U.S.C. §103</u>

Claims 1-2, 5-15, 17-26, and 28-30 have been rejected under §103(a) as allegedly obvious over *Doyle* (6,009,455) in view of *Clinton* (2003/0236577). Applicant respectfully traverses this rejection. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. <u>Claim 1</u>

Claim 1 has been amended to recite "creating a task list which describes how at least one stage in the life cycle of the ***grid node application*** is to be performed". Applicant respectfully submits that amended claim 1 is allowable for at least the reason that the proposed combination of *Doyle* in view of *Clinton* does not disclose, teach, or suggest at least this feature. Neither *Doyle* nor *Clinton* contains any discussion of a "grid node application".

Claim 1 has also been amended to recite "creating a task list...***wherein the task list includes at least one of packaging all files needed to execute the grid node application into a single file, and distributing the grid node application to at least one remote computing resource on the network***" (emphasis added). Applicant respectfully submits that amended claim 1 is allowable for at least the reason that the proposed combination of *Doyle* in view of *Clinton* does not disclose, teach, or suggest at least this feature.

The Office Action (p. 4) alleges, in connection with claim 8, that *Doyle* col. 7, line 46 to col. 8, line 37 discloses a task list including a task that "packages into a single file all files needed to run the software application". Applicant respectfully disagrees. Although cited portion of *Doyle* <u>refers</u> to several different files (e.g., a "user-provided spreadsheet definition file" (col. 7, line 60) and an "XSP file containing the contents of the form shown in FIG. 6" (col. 8, line 9),

Doyle does not describe these files as multiple files needed to run a particular application, nor does *Doyle* describe any "packaging" of these multiple files into a single file.

The cited portion of *Doyle* also describes a "compute algorithm" that "creates an output file associated with the best target value and the parameter values associated with the best target value" (col. 8, lines 30-35). Even assuming, for the sake of argument, that this output file is "needed to execute" a particular application, this output file is created from multiple values, rather than being "packaged" from multiple files.

Clinton also fails to teach, suggest or disclose a "creating a task list which describes how at least one stage in the life cycle of the grid node application is to be performed, wherein the task list includes at least one of packaging all files needed to execute the grid node application into a single file". Accordingly, the proposed combination of *Doyle* in view of *Clinton* does not teach at least this feature.

Claim 1 has also been amended to recite "creating a task list...**wherein the task list includes at least one of...distributing the grid node application to at least one remote computing resource on the network**" (emphasis added). Applicant respectfully submits that amended claim 1 is allowable for at least the reason that the proposed combination of *Doyle* in view of *Clinton* does not disclose, teach, or suggest at least this feature.

The Office Action (p. 5) alleges, in connection with claim 12, that *Doyle* col. 8, lines 1-37 discloses a task list including a task that "removes the software application from at least one remote computing resource." Applicant has reviewed this portion of *Doyle*, but can find no discussion at all of removing a software application from a remote computing resource. If this rejection is maintained in the next Office Action, the Examiner is requested to explain which particular features of *Doyle* correspond to removing a software application from a remote computing resource.

Clinton also fails to teach, suggest or disclose a "creating a task list which describes how at least one stage in the life cycle of the grid node application is to be performed, wherein the

task list includes at least one of…removing the software application from at least one remote computing resource." Accordingly, the proposed combination of *Doyle* in view of *Clinton* does not teach at least this feature.

Since the proposed combination does not teach at least the above-described features recited in claim 1, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 1 is not obvious under the proposed combination of *Doyle* in view of *Clinton*, and the rejection should be withdrawn.

b. Claims 13 and 25

Claims 13 and 25 have been amended to recite "***wherein the task list includes at least one of packaging all files needed to execute the grid node application into a single file, and distributing the grid node application to at least one remote computing resource on the network***" (emphasis added). Applicant respectfully submits that amended claims 13 and 25 are allowable for at least the reason that the proposed combination of *Doyle* in view of *Clinton* does not disclose, teach, or suggest at least this feature.

The Office Action (p. 4) alleges, in connection with claim 8, that *Doyle* col. 7, line 46 to col. 8, line 37 discloses a task list including a task that "packages into a single file all files needed to run the software application". Applicant respectfully disagrees. Although cited portion of *Doyle* refers to several different files (e.g., a "user-provided spreadsheet definition file" (col. 7, line 60) and an "XSP file containing the contents of the form shown in FIG. 6" (col. 8, line 9), *Doyle* does not describe these files as multiple files needed to run a particular application, nor does *Doyle* describe any "packaging" of these multiple files into a single file.

The cited portion of *Doyle* also describes a "compute algorithm" that "creates an output file associated with the best target value and the parameter values associated with the best target value" (col. 8, lines 30-35). Even assuming, for the sake of argument, that this output file

is "needed to execute" a particular application, this output file is created from multiple values, rather than being "packaged" from multiple <u>files</u>.

Clinton also fails to teach, suggest or disclose a "creating a task list which describes how at least one stage in the life cycle of the grid node application is to be performed, wherein the task list includes at least one of packaging all files needed to execute the grid node application into a single file". Accordingly, the proposed combination of *Doyle* in view of *Clinton* does not teach at least this feature.

Claims 13 and 25 have also been amended to recite "**wherein the task list includes at least one of…distributing the grid node application to at least one remote computing resource on the network**" (emphasis added). Applicant respectfully submits that amended claims 13 and 25 are allowable for at least the reason that the proposed combination of *Doyle* in view of *Clinton* does not disclose, teach, or suggest at least this feature.

The Office Action (p. 5) alleges, in connection with claim 12, that *Doyle* col. 8, lines 1-37 discloses a task list including a task that "removes the software application from at least one remote computing resource." Applicant has reviewed this portion of *Doyle*, but can find no discussion at all of removing a software application from a remote computing resource. If this rejection is maintained in the next Office Action, the Examiner is requested to explain which particular features of *Doyle* correspond to removing a software application from a remote computing resource.

Clinton also fails to teach, suggest or disclose a "creating a task list which describes how at least one stage in the life cycle of the grid node application is to be performed, wherein the task list includes at least one of…removing the software application from at least one remote computing resource." Accordingly, the proposed combination of *Doyle* in view of *Clinton* does not teach at least this feature.

Since the proposed combination does not teach at least the above-described features recited in claims 13 and 25, a *prima facie* case establishing an obviousness rejection has not

been made. Thus, claims 13 and 25 are not obvious under the proposed combination of *Doyle* in view of *Clinton*, and the rejection should be withdrawn.

c. Claims 8-9 and 20-21

Claims 8-9 and 20-21 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the cancelled subject matter to the public. Applicant expressly reserves the right to present cancelled claims 8-9 and 20-21, or variants thereof, in continuing applications to be filed subsequent to the present application.

d. Claims 2, 5-7, 10-12, 14-15, 17-19, 22-24, 26, and 28-30

Since claims 1, 13, and 25 are allowable, Applicant respectfully submits that claims 2, 5-7, 10-12, 14-15, 17-19, 22-24, 26, and 28-30 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 2, 5-7, 10-12, 14-15, 17-19, 22-24, 26, and 28-30 be withdrawn.

4. Rejection of Claims 1, 13, and 25 under 35 U.S.C. §103

Claims 1, 13, and 25 have been rejected under §103(a) as allegedly obvious over *Volkov* (6,983,400) in view of *Clinton* (2003/0236577). Applicant respectfully traverses this rejection. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at

issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that claims 1, 13, and 25 are allowable for at least the reason that the proposed combination of *Volkov* in view of *Clinton* does not disclose, teach, or suggest at least the feature of "creating a task list which describes how at least one stage in the life cycle of the grid node application" as recited in claim 1. Claims 13 and 25 are allowable for at least the reason that the proposed combination of *Volkov* in view of *Clinton* does not disclose, teach, or suggest at least the feature of "creating a task list which describes how at least one stage in the life cycle of the distributed computing software application" as recited in claims 13 and 25.

The Office Action (p. 6) alleges that FIG. 4 of *Volkov* and its associated text (Col. 14 line 62 to Col. 15, line 55) discloses "creating a task list which describes how at least one stage in the life cycle of the distributed computing software application is performed". Applicant respectfully disagrees. FIG. 4 is a block diagram of **components** of a test system 314: test suites 316a-c; test systems 314a-d; and a system controller 308. Neither FIG. 4 nor its associated text contain any discussion at all of a task list, much less the feature of "***creating*** a task list" as recited in claims 1, 13, and 25. If this rejection is maintained in the next Office Action, the Examiner is requested to explain which particular features of *Volkov* correspond to the recited task list, and to the recited feature of creating the task list.

Clinton also fails to teach, suggest, or disclose the above-described features. Accordingly, the proposed combination of *Volkov* in view of *Clinton* does not teach at least these features. Therefore, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claims 1, 13, and 25 are not obvious under the proposed combination of *Volkov* in view of *Clinton*, and the rejection should be withdrawn.

5. <u>Newly Added Claims</u>

Applicant submits that new claims 31-39 are allowable over the cited references, for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant requests the Examiner to enter and allow the above new claims.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-2, 5-7, 10-15, 17-19, 22-26, and 28-39 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

By: /Karen G. Hazzah/

Karen G. Hazzah,
Reg. No. 48,472

THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.

100 Galleria Parkway, NW
Suite 1750
Atlanta, Georgia 30339-5948
Tel: (770) 933-9500
Fax: (770) 951-0933